

JOINT AGENCY SUMMARY
NORTHWEST COASTAL HYDROELECTRIC LICENSING WORKSHOP ON
INTEGRATING STATE PROCESSES

Bellevue, Washington
June 6 & 7, 2002

Participants:

Federal Energy Regulatory Commission
Washington Department of Ecology
Oregon Water Resources Department
Oregon Department of Environmental Quality
Alaska Division of Governmental Coordination
Skagit County, Washington

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The Northwest Coastal workshop was held June 6 and 7, 2002, in Bellevue, Washington. Representatives from the 401 water quality certification and CZMA agencies for Washington, Oregon, and Alaska attended. A representative from Skagit County, Washington also was present and representatives from other coastal zone counties were invited, but were unable to attend. Representatives from Seattle City Light, Puget Sound Energy, Energy Northwest, Grant County PUD, Foster Wheeler, Acres International, City of Everett, Balaton Power/Howe Consulting, Snohomish County PUD No. 1, Davis Wright Tremaine, and the U.S. Environmental Protection Agency attended as observers. The list of individuals in attendance is attached as Appendix A.

To begin the workshop, Commission staff outlined the FERC licensing process. Staff explained the differences between the Traditional and ALP, as well as FERC's requirements for Section 401 water quality certification and CZMA consistency review. Each state then explained, in some detail, their respective 401 WQC and CZMA processes and Skagit County explained its Shoreline Management Master Program (SMMP) process.

Commission staff identified the goals of the two-day workshop as: (1) familiarize Commission staff with participating states' WQC and CZM processes, and with county shoreline programs; (2) familiarize states and counties with FERC's hydro licensing process; and (3) increase efficiency of processes by (a) identifying common attributes and (b) developing potential ways to integrate processes. The following represents a synopsis of the two-day workshop.

FERC LICENSING PROCESS - (Presented by Steve Hocking)

- ! Commission staff explained that FERC is an independent agency under DOE, and is responsible for licensing the construction and operation of non-federal hydroelectric projects.
- ! FERC was established and derives its authority from the Federal Power Act. FERC jurisdiction over hydropower projects is affected by (a) U.S. lands, (b) navigable waters, and (c) interstate commerce.

- ! FERC is mandated by law to (a) give equal consideration to both developmental and non-developmental resources, (b) ensure that a hydro-power project is best adapted to the comprehensive development plan of a waterway, and (c) conduct an environmental review in accordance with the National Environmental Policy Act.
- ! FERC regulations stipulate that (a) FERC cannot issue a license without state water quality certification or a waiver, and (b) the water quality certificate is considered waived if not acted on within one year of the request for certification.
- ! If a project lies within or affects a state's coastal zone, (a) FERC cannot issue a license without a state's certification that the project is consistent with any applicable coastal zone management program, (b) CZMA requires the state to inform the Commission whether or not a project is consistent within 6 months of request.
- ! The Traditional Licensing Process typically takes about 5-8 years to complete, while the Alternative Licensing Process (ALP) takes about 4 years. Both licensing processes involve at least a 3-year pre-filing consultation period that begins with the issuance of an ICP (Initial Consultation Package), and is characterized by environmental studies and consultation. The Traditional Process is a rigid regulatory process, where additional information is almost always needed after an application has been filed and uncertainty as to environmental enhancements is common. The ALP is a flexible regulatory process that combines the pre-filing consultation and NEPA processes, improves communication among parties, and reduces the need for additional information as well as the uncertainty in the licensing process.
- ! FERC regulations require that the Section 401 WQC, request for 401 WQC, or waiver thereof, be filed along with the license application.
- ! An applicant for hydropower license, whose project lies within a state's coastal zone or otherwise affects the state's coastal resources, is required to file a consistency determination with the state CZM agency. The timing of this certification is not outlined in FERC's regulations, but typically an

applicant files a consistency certification with the state at the time the license application is filed.

- ! The post-filing processing period is characterized by (a) staff's review of the license application, (b) NEPA scoping and review (includes preparing the environmental analysis), (c) several public notices and meetings, (d) additional information requests, if necessary, and (e) a 10(j) resolution process, if necessary.

WASHINGTON'S SECTION 401 PROCESS - (Presented by Polly Zehm and Jeff Marti)

- ! The Washington Department of Ecology (Ecology) regulates surface and ground water issues and manages coastal zones. Hydroelectric projects are an extremely high priority to them and their goal is to work together with federal and local participants to restore and enhance water quality. They are in the process of developing revised standards which they hope to submit to EPA in the Spring of 2003. EPA will have up to 6 months to approve or deny. The revised standards will have additional options for addressing water quality impacts from hydroelectric projects.
- ! The Washington 401 certificate is a statement from Ecology asserting that a project will meet the state's water quality requirements. They are also in the process of working to improve this process by developing a more standardized and predictable framework incorporating water quality plans such as TMDLs with load allocations, and revised water quality standards. In addition, they are trying to improve the process by working with locals and on a watershed basis to share responsibilities.
- ! Like many other state agencies, Washington is dealing with a heavy workload, personnel shortages, and no specific funding for its 401 certificate and CZMA programs. However, they are attempting to work on and develop a funding source to help alleviate some of these issues.
- ! An applicant applies for a 401 certificate by submitting a letter of request and all necessary supporting information to Ecology. Ecology has one year from the date of the request to issue a 401 decision. During this year, Ecology will review the information submitted and may ask for additional information, if needed. When a 401 certification goes undecided for over a year, the request is considered waived under FERC's regulations. A number of 401 certificates have not been issued within the one year time-frame, and

the standard practice has recently turned to having applicants withdraw then resubmit their request to extend the one-year deadline, which prevents the application from being denied.

- ! According to Chapter 173-225 Washington Administrative Code (WAC), a 20-day public notice is required for a 401 certification.
- ! Ecology will not act on the certification until the project has complied with the State Environmental Policy Act (SEPA). Water quality certifications are exempt [WAC 197-11-800(10)] unless other SEPA permits are also required (WAC 197-11-305). State law allows Ecology to adopt the federal NEPA document for the purpose of complying with SEPA, if the NEPA document meets SEPA requirements, which are slightly different. Ecology does have a chance to provide comments during scoping and on the draft NEPA document so that FERC can develop its document to meet the needs of SEPA. This usually enables Ecology to consider FERC's final NEPA document complete enough to meet their needs.
- ! When deciding to issue a 401 certificate, Ecology needs "reasonable assurance" that the project will meet water quality requirements. Ecology's key source for determining compliance is the state water quality standards (Chapter 173-201A WAC).
- ! The 401 certificate states the Waterbody class and corresponding standards (Class AA, A, B, C, Lake Class), the designated uses (numeric criteria and narrative standards), and anti-degradation criteria (no injury or interference with existing beneficial uses).
- ! Washington places numerous conditions on a water quality certification to protect the state's beneficial uses, including measures to: control erosion and sedimentation, improve and protect water quality, provide instream flow requirements, control ramping, provide oil and hazardous material control and prevent spill, protect wetlands, and monitor water quality.
- ! Washington's WQC requirements are mandatory and become part of the final FERC license.
- ! Washington's 401 certification boundaries are very broad and the State Supreme Court declared that 401(d) is a "congressional authorization to the

states to consider all state action related to water quality in imposing conditions on Section 401 certificates” (Elkhorn decision).

- ! The 401 certificate is issued in the form of an administrative order and may be appealed to the state Pollution Control Hearings Board (PCHB) within 30 days of the decision. Appeals of PCHB decisions are through the state, not the federal, courts.
- ! The same project with a new federal permit does not need a new 401 certificate unless there are significant changes in the project's proposed operation and construction, the state water quality standards, or the waterbody characteristics.
- ! A hydroelectric project requires state water rights because it diverts and stores water, even if the project is consumptive for only a short reach of the river. Without a water right, hydroelectric project owners have no protection against subsequent appropriators.
- ! State issued water right conditions may be subject to federal preemption when in conflict with a FERC license, but proprietary rights are protected.
- ! State water rights are related to Section 401 in that new water rights will be conditioned to protect instream flows and other water quality issues. Existing water rights do not excuse compliance with water quality laws as part of relicensing.

WASHINGTON’S CZMA PROCESS - (Presented by Jeff Marti)

- ! Any county with land that touches salt water is considered a coastal county and must comply with Washington’s Coastal Zone Management Plan. Washington has 15 coastal counties.
- ! An applicant must certify that a project is consistent with Washington's CZMA program showing that the project is compliant with all applicable state and national regulations. Ecology has 180 days from receipt of a *complete* application to act on the certification and can either object, concur, or concur with conditions.
- ! Washington’s Coastal Zone Management Act requires consistency with the state's Shoreline Management Act (including local master programs),

Federal/State Water Pollution Acts, Federal/State Clean Air Acts, and the State Environmental Policy Act (SEPA).

**SKAGIT COUNTY’S (WA) SHORELINE MANAGEMENT MASTER PROGRAM (SMMP) -
(Presented by John Cooper)**

- ! CZM regulations in Skagit County are jointly administered by the county and the Department of Ecology under WAC 173 and Skagit County code (SCC) 14.26.010.
- ! As required by WAC 173, Skagit County assessed shoreline areas within its jurisdiction (1976) and determined designations. As described in Skagit County’s SMMP, these designations include urban, rural, rural residential, conservancy, natural, and aquatic. The SMMP provides for specific uses in each designation as well as for protecting shorelines. Hydropower facilities are prohibited by the SMMP in those shoreline areas designated as urban, rural residential, or natural. Hydropower facilities, as a conditional use, are allowed in those shoreline areas designated rural or conservancy. A shoreline permit requirement is triggered by any development—commercial, private, public—within 200 feet of a waterbody.
- ! The county’s SMMP requires two levels of permit review for hydropower facilities. Those levels include both a shoreline substantial development permit application as per WAC 173-27, and a shoreline conditional use permit application as per SCC 14.26.010 (11). Approval of a hydropower application must comply with the requirements and conditions for both permits.
- ! Substantial development permit applications submitted to the county must include the criteria indicated in WAC 173-27-180. Once submitted, the county reviews and evaluates the application to determine if the hydropower proposal is in compliance with Skagit County’s SMMP and the Shoreline Management Act.
- ! The SMMP evaluation criteria included four main aspects for hydropower facilities. The SMMP requires that utility development proposals be consistent and coordinated with all federal, state and/or local planning functions including comprehensive plans and Growth Management Act (GMA). It also requires that utility development coordinate with government agencies and private interests to utilize existing right-of-ways

and corridors and avoid duplication. The SMMP requires utility development to not damage or adversely affect agricultural land, natural resources, geohydraulic processes, water quality, or public access to shorelines. Also, the SMMP requires that utility development be located to avoid wetlands, estuaries, wildlife concentration areas, and sensitive shoreline areas (such as erosion or landslide hazard areas).

- ! The burden of proof is on the applicant to demonstrate compliance with the SMMP and the Shoreline Management Act.
- ! Once reviewed and evaluated, substantial development permit applications, along with the county staff report, are submitted to Skagit County's Hearing Examiner for a public hearing. A decision on the application is made within 120 days after the public hearing.
- ! In addition to the review criteria established for a substantial development permit, a hydropower facility application requires review and evaluation as a conditional use. The objective of the conditional use permit is to allow more control and flexibility in the implementation of the SMMP by applying special conditions. Activities classified as conditional uses are permitted only where the applicant can demonstrate that the proposed use will meet the standards and criteria that will ensure that the proposed use will be compatible with the permitted uses within the same area.
- ! The criteria for granting a conditional use permit states that the proposed use will be consistent with the policies of the SMMP and RCW 90.58.020, and the project must be compliant with SEPA. The proposed use will not interfere with normal public use of public shorelines. The proposed use of the site and design of the project will be compatible with other permitted uses in the area. The proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is located and the public interest will suffer no detrimental effect. In the granting of all conditional use permits, consideration shall be given to the cumulative impact for additional requests for like actions in the area and should not produce substantial adverse effects to the shoreline environment. Hydropower produces 30-35% of the power in Skagit county.
- ! Skagit County's Hearing Examiner is authorized to hear, review, grant, deny, or impose any reasonable conditions on shoreline use permit applications.

- ! The public hearings for a substantial use permit and a conditional use permit are often done simultaneously; however, the applicant may request to have separate public hearings for each permit, if necessary. The special use permit and critical area reviews are also done at this time.
- ! A decision on a shoreline conditional use permit by the Hearing Examiner may be appealed to the Skagit County Board of County Commissioners (BCC). The BCC is authorized to grant or deny shoreline conditional use permit applications and to hear appeals from decisions of the Hearing Examiner for hydropower facilities on a case by case basis. Upon approval or denial of a substantial development/conditional use permit by the BCC, a copy of the final order and application shall be mailed to Ecology for review within eight days of the action. Developments may not commence for 30 days from the date of filing the application and order with Ecology.
- ! Skagit County also requires two additional elements for successful permitting of a hydropower project. These elements are the critical areas approval and a hearing examiner special use permit. Generally, all permits/authorizations are processed with one application.

OREGON'S HYDROELECTRIC REAUTHORIZATION PROCESS - (Presented by Kristen Richert)

- ! Established about six years ago, the Oregon Department of Water Resources provides a centralized agency to control the state's water resources. Oregon's hydroelectric licensing process provides a state forum for consideration of whether facilities should be reauthorized, improves state participation at the federal level, makes state government more efficient, and acts in the best interest of the state to set priorities for how water would be allocated in Oregon. Created with no real authority, the Department of Water Resources serves as a central agency to coordinate the water rights allocation agencies already present in Oregon.
- ! Oregon has established Hydroelectric Application Review Teams that review the license applications. The teams are comprised of representatives from the Department of Environmental Quality (DEQ), the Department of Fish and Wildlife (DFW), Water Resources Department (WRD), and other effected agencies (State Historic Preservation Office, Department of State Lands, Department of Geology and Mineral Industries).

- ! Stage one of the Oregon process begins in a fashion similar to FERC's, with the filing of a notice of intent, a first stage consultation document, scoping meetings, and public comment periods.
- ! Stage two involves the applicant's submission of a revised study plan, study approval by the relicensing team, public review and comment, study completion, preparation of a draft FERC relicensing application (due one year before the final application is due to FERC), and the team's response to the draft application, including draft 401 recommendations, draft 10(j) recommendations, and the proposed water rights order.
- ! In stage three, the applicant submits a 401 water quality certificate application to the state, a final application to FERC and the review team, and then FERC reviews the application for completeness and requests agency comments. The review team modifies the provisional state position, provides public comment, revises and then submits the position to the DEQ and the applicant. The DEQ then completes its 401 review and issues a certificate, usually at the AIR prior to FERC's REA.
- ! The final steps of the process occur when the review team finalizes the state's unified position and submits this decision to FERC and the WRD. WRD completes its water rights review and FERC completes its NEPA review. FERC then issues the licensing order and WRD, with the review team, reviews and takes final action on water rights.
- ! Oregon's program gives the public an opportunity to comment on the state's position and the state has a forum to work out any inter-agency conflicts. This allows the state to present a unified position to FERC.
- ! One problem is that the state has to formulate its position on an application too early. Also, it is hard to bring federal agencies to the table when their timelines do not coincide. It is difficult to allocate resources and strategize without a FERC project schedule, and it is not clear when the state's input would be most valuable in the FERC process.

OREGON'S SECTION 401 PROCESS - (Presented by Greg McMurray)

- ! Oregon's 401 issue areas include: (1) reasonable assurance that water quality standards will be met by hydroelectric projects. Such assurance requires massive findings including substantial multiyear water quality studies and modeling; (2) TMDLs and hydroelectric certifications; (3) adaptive management; (4) conditioning and other appropriate requirements of state law; and (5) timing.
- ! The application of water quality standards includes beneficial uses built to the most sensitive resources, specific numeric or narrative criteria, and anti-degradation policy. Water quality standards that are commonly involved in 401 certifications include temperature, total dissolved gas concentration, dissolved oxygen concentration, pH, turbidity, other reservoir effects, and narrative standard biological criteria on the quality of the area to support the natural biological community.
- ! Hydroelectric certification and TMDL processes are generally greater in scale than 401, 10(j) and Water Rights certifications. Oregon's timing for the relicensing process is based on consent decree and the management plan required for all sectors and sources, and coordinates study completion with the draft 401 application. This aspect usually involves the adaptive management approach. Conditions include management plans that relate to TMDL adaptive management and reopener conditions including changes in TMDL or in Water Quality Standards. Conditioning and other appropriate requirements of state law require the calculation of ramping rates, protection of fish habitat (including flows and woody debris), protection of fish passage, and protection of beneficial uses.
- ! A water quality 401 certificate is a major scientific and technical undertaking. Oregon requests the draft 401 application at the same time the applicant files the draft license with FERC. The application contains a findings document filled in by specialists for all water quality parameters.

ALASKA'S CZMA PROCESS - (Presented by Maureen McCrea)

- ! Alaska's CZMA program is implemented through individual state permits. No permits are issued until the Division of Governmental Coordination (DGC) issues a consistency determination.

- ! Local governments play a large role in Alaska's CZMA program. The coastal zones in Alaska are extensive and many parts of the state are unorganized. State regulations allow citizens to form coastal zone boroughs with elected coastal zone district board members.
- ! By statute, there is a 50 day process from receiving a complete package to issuance of a consistency determination. The process can be stopped at day 25 to request additional information, if necessary, but this usually does not occur because the state agencies have been involved in the project since pre-filing. On or before day 44, DGC notifies the agencies, applicant, and commenting parties of a proposed consistency determination or any issues to be resolved. If the project is found to be inconsistent, then conditions are included to ensure consistency. The applicant must sign an agreement with the conditions included in the consistency finding, but can appeal an inconsistency finding to the U.S. Department of Commerce.
- ! Days 45 through 49 allow a 5-day period during which a state agency or applicant can request a determination be elevated to the director-level. Subsequent to a director-level proposed consistency determination, a request may be filed to elevate the determination to the Commission-level. If the determination is elevated, a final consistency determination may be issued up to 80 days after the consistency package is complete
- ! The DGC will not begin its CZMA review until FERC issues its draft NEPA document for the project.
- ! When DGC submits an additional information request to the applicant, it will also send a copy of the request to FERC.

ALASKA'S SECTION 401 PROCESS - (Presented by Maureen McCrea)

- ! Alaska does not issue a 401 certification until it determines a project is consistent with its CZMA program. Should a 401 certification be needed, it is usually issued within 5 days of finding a project consistent with its CZMA program, along with any other state permits. After CZMA consistency is reached, no modifications can be made to the project.
- ! Until recently, Alaska had stopped issuing 401 certifications, but is now beginning to issue them again, with industry paying for the process.

JOINT DISCUSSION OF INTEGRATING STATES' WQC/CZM PROCESSES AND THE FERC LICENSING PROCESS - (Facilitated by Steve Hocking)

- ! Washington, Oregon, Alaska, and Skagit County agreed that earlier FERC involvement would be beneficial to the FERC relicensing process and their individual state and county processes. All the participants felt that the various processes would flow much smoother if the license applicant, state, and local governments learned early on what was expected in the licensing process, who needs to be contacted, and who was available for consultation.
- ! They also agreed that moving FERC's scoping process to pre-filing after the ICP would ensure earlier identification of issues, reduce the need for additional information, and help speed up the relicensing process. Oregon suggested that they continue to get the ICP first, then after having time to review it, come back to the table for a joint-agency meeting at the time of the first study request. Oregon suggested making the ICP stage multi-stepped, to include early FERC scoping and study requests. This would also serve to involve FERC staff earlier in the licensing process. Currently, FERC does not get involved in the Traditional Licensing Process until after the final license application is filed.
- ! The licensees present as observers suggested that if FERC scoping is moved earlier, then the NOI should also be moved earlier to ensure enough time to complete studies. While they agreed moving scoping forward would encourage early participation, they felt licensees would be pressed for time attempting to complete studies and scoping requirements at the same time.
- ! FERC's suggestion that a letter be sent prior to the NOI, notifying the licensee and other stakeholders of the approaching relicensing proceeding, was supported by the participants. This letter could also request an updated contact/consultation list. FERC staff mentioned that they are now including a schedule in each project's tendering notice with dates showing when major milestones for relicensing should be completed.
- ! It was also suggested that FERC host a meeting prior to the NOI stage, maybe shortly after the above mentioned letter, outlining critical pathways for relicensing the project. Such a meeting could have an outreach/workshop-type format to provide education on the roles and responsibilities of relicensing participants and could help identify individual state, county, and other governmental processes that must be integrated with

the FERC relicensing process. If multiple projects come up for relicensing at the same time, then the projects could be bundled together and discussed at one meeting.

- ! It was decided that it might be a good idea if all stakeholders, particularly governmental agencies, identified its required permits and approvals at the beginning of the relicensing proceeding. A meeting could be held at the ICP/early scoping stage to identify any permits and approvals along with proposed schedules. Such information would provide a kind of “road-map” for the approaching relicensing proceeding.
- ! Washington and Skagit County said their processes might be shorter, and a 401 certificate could be issued sooner, if one or both prepared their own SEPA document, rather than waiting to adopt FERC's NEPA document. However, this seemed redundant to many of the observers, since a NEPA document would still have to be completed by FERC. Additionally, funding is an issue in this matter.
- ! FERC and Washington also discussed the possibility of developing a common environmental document—an idea to which Washington was receptive. However, when FERC indicated that if Ecology wanted to be a cooperator on a NEPA document it would lose its intervener status under the Commission’s ex-parte rules, Washington said they would have to think long and hard before choosing cooperator status. In an e-mail to Ann Miles on June 26, 2002, Polly Zehm from the State of Washington wrote: “We or a local government would have to carefully consider whether we would be willing to give up the opportunity to be an intervener. If that were acceptable for a given project, we would then need to commit the time and resources to do the extensive project management required to successfully conduct an EIS in tandem. This may be challenging since we'd be doing it ‘long distance’. I do however think this is worth consideration in an early ‘road mapping’ session for a given project.”
- ! FERC suggested that Washington develop and issue preliminary 401 conditions at the REA stage. FERC could then analyze such conditions along with all other mandatory terms and conditions in its draft NEPA document. FERC also suggested Washington use its DEA rather than FEA for SEPA purposes so a 401 certificate could be issued earlier. Washington committed to checking into the above two possibilities.

- ! In an e-mail to Ann Miles on June 26, 2002, Polly Zehm with the State of Washington discussed whether Washington could adopt FERC's draft NEPA document instead of the final NEPA document: "The short answer is no. We've had this conversation recently with another federal agency and considered the advantages and risks of doing this. Since there is no way to know what changes might occur between a draft and final document-it does not make sense for us to take this risk-and it would be inconsistent with the process outlined in our SEPA rules. I am very concerned that we could not legally defend our SEPA determined if challenged. This does not mean that we don't want to help make this part of the process work better. As we discussed at the meeting, when we are commenting on a Draft NEPA EIS, we can clearly articulate what additions or changes need to be made to result in a FEIS that we could adopt under SEPA (i.e. clearly differentiate our 'must have' from our 'like to have' comments)."
- ! In that same e-mail, Polly Zehm replied to the question of whether Washington can issue a draft 401 WQC: "As I mentioned at the meeting, we are working to improve our 401 Certification process overall. At this time, we do not plan to add the step of issuing a draft certification. We can and do, however, sit down with the applicant and agencies to discuss the scope of the 401-what types of conditions will be included, what information is needed, etc. This is a much less formal process than issuing a draft decision document, but I believe would provide the predictability you are looking for-allowing FERC and the applicant to understand what types of water quality conditions will need to be included in the license."
- ! Skagit County agreed that its participation in an early scoping meeting and site visit could satisfy its requirement for a pre-application meeting and site visit for its permitting process.
- ! Washington realizes the benefits of early involvement but with personnel shortages and budget shortfalls finds it difficult to be involved at a high level throughout the entire relicensing process. Washington committed to getting involved early-on. Oregon also realizes the benefits of early involvement and is required by their state statutes to be involved from the beginning.
- ! It was suggested that early study dispute resolution should be made a mandatory part of the formal licensing/relicensing process. It would serve to bring the applicant and agency together with FERC as mediator to

discuss and hopefully resolve any disputed studies early-on in the process. If there are no disputes, then this phase could be waived.

- ! Washington suggested FERC take the lead in coordinating the FERC process with all other required state and local permit/approval processes, a job the license applicant currently performs. This would allow FERC to better control the process and understand the issues from the beginning. This should make for better independent decision making by FERC and a process that is better understood and utilized by all interested parties. Several licensees present as observers said such oversight should remain the responsibility of the applicant. They believe such a role works against FERC's objective of being an independent and impartial regulator.
- ! Washington and Oregon suggested FERC provide direct funding to state agencies for a state's participation in the relicensing process. Such funding would facilitate the state's participation in the relicensing process and could result in a more timely process. Of all the issues discussed during this meeting, this was Washington State's highest priority message for FERC to hear and understand. Washington is working to improve its processes and coordination with FERC and licensees, but lack of resources to fully participate at key stages of hydropower relicensing will continue to severely limit progress.
- ! Oregon suggested FERC change its regulations to require the draft application one year prior to the final application. Setting such a due date would ensure Oregon has enough time to review the application prior to submitting its recommendations. However, concerns were raised that mandating the draft application one year ahead of the final application would result in the exclusion of data from on-going studies. This also drew more requests to move the NOI earlier, so enough time remains to complete the required studies.
- ! There was also some discussion that FERC prepare any needed biological assessment (BA) for Endangered Species Act (ESA) purposes prior to the REA stage. Several participants mentioned that FERC's compliance with the ESA can be a major source of delay and having the BA completed at the REA stage instead of at the DEA stage as FERC usually does, would speed up relicensing.

APPENDIX A–LIST OF ATTENDEES
NORTHWEST COASTAL HYDROELECTRIC LICENSING WORKSHOP ON
INTEGRATING STATE PROCESSES
June 6 & 7, 2002
Bellevue, Washington

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